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REMARKS

Claims 1-7, 18, 22, and 26-32 are currently pending in the application. Claims 7-17, 19-21 and 23-25 are cancelled. Claims 30-32 are newly added. Applicant respectfully requests reconsideration since the present claims are not anticipated nor rendered obvious.

Applicant's invention provides an inexpensive apparatus and method for editing audio visual (AV) streams. An editing server provides a centralized editing capability eliminating the need for specialized equipment or software for each client computer. Editing information can be sent from each of the clients to the editing server specifying how to edit an AV stream stored in the editing server. The invention provides each client station with a virtual editing capability without the need for purchasing redundant AV processing equipment.

Claims 1-6, 18, 22 and 26-29 were rejected under 35 U.S.C. §102(e) as being unpatentable over *Nakata* (US Pub. 2003/0091329). Applicant respectfully traverses.

Nakata discloses a stand alone processing system. The object of the invention is to provide an editing system for editing television programs on the fly. *Nakata's* device is used to allow an operator to smoothly segue from one television program to another (*Nakata*, Paragraph 6). This is also evident from the components of the device such as a daily server 6 that is used to store AV materials used in television broadcast and an on air buffer 9.

Claim 1, recites in "means for" terminology under 35 U.S.C. §112, sixth paragraph, an "editing information receiving means for receiving editing information from a client wherein the editing information specifies...an editing operation." The Office Action asserts that this limitation is disclosed in Paragraph 10 of *Nakata*.

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"A local hard disk or a network type editing system that shares server materials on a network so as to efficiently edit the server materials." (Office Action, Page 2, Lines 7-11).

Nakata does not disclose receiving editing information from a client.

Our claim also requires an "AV stream obtaining means for obtaining each specified AV stream . . ." and "editing means for performing the editing operations for the obtained AV stream in accordance with received editing information."

Thus, the claim enables a user client to direct specific editing operations that are expressly implemented in the editing server of the present invention.

Certainly the *Nakata* reference fails to disclose these elements in accordance with MPEP §2181.

As stated in *In re Donaldson Co.*, 16 F.3d 1189, 29 USPQ 2d 1845, 1850 (Fed. Cir. 1994):

"Rather, our holding in this case merely sets a limit on how broadly the PTO may construe means-plus-function language under the rubric of "reasonable interpretation." Per our holding, the "broadcast reasonable interpretation" that an examiner may give means-plus-function language is that statutorily mandated in paragraph six. Accordingly, the PTO may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination."

The server materials of *Nakata* are the individual AV streams (*Nakata*, Paragraph 9). The materials are shared by devices and presumably may be edited by any device having editing capability. *Nakata*, however, fails to disclose or suggest receiving an editing operation from one of the devices making claim 1 patentable over *Nakata*.

The receipt of editing information is an important feature of Applicant's invention because it allows the editing server to execute client specific operations or instruction sets giving

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each client a virtual editing capability without the need for redundant equipment or software. In contrast, a client networked to a *Nakata* device must have its own editing equipment and software to edit the materials.

Claims 2 and 3 depends from Claim 1 adding structural features that more particularly define the invention and further distinguish over the cited reference and the prior art of record and are patentable for the same reasons as Claim 1.

Furthermore, Claim 3 recites "the editing means generates a combined video frame and reduces resolution of the combined video frame." The Office Action asserts that this limitation is disclosed in paragraphs 248-255 (Office Action, Page 5, Lines 9-14). Applicant can find no such disclosure or suggestion in the cited passage. The passage does not contain the word "resolution" or any synonym. Applicant submits this makes Claim 3 even more unobvious and more patentable.

Claims 4-6 have been amended to depend from Claim 30 and are patentable for the same reasons (explained hereinafter).

Claims 26, 27 and 29 recite an edit server that receives instructions from a first editing client and a second editing client. The Office Action asserts this feature is disclosed in Figure 15 (Office Action, Page 8, Lines 14-18). As explained previously, the *Nakata* device does not have an editing server that receives instructions from a first and second editing client. The *Nakata* device is networked and purports to allow individual clients to edit source material, (*Nakata*, paragraph 9). Applicant cannot find any disclosure that suggests that instructions are received from a client in Figure 15 or the associated description (*Nakata*, Paragraph 198-202). This undisclosed feature makes Claims 26, 27 and 29 patentable over *Nakata*.

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For the reasons stated above, Applicant respectfully requests that this rejection under 35 U.S.C. §102 be withdrawn.

Claims 30-32 are newly added. Claim 30 is for an editing server that combines the received frames of two or more AV streams. A size reducing unit 125 compresses the combined video frame and a transmitting unit transmits the compressed video frame back to the client (application, Page 30, Lines 14-25, Figure 10). Output from the size reducing unit 125 is transmitted to the network 5 through the encoder 124 and then transmitted to one of the clients. *Nakata* neither discloses nor suggest the size reducing unit 125, making Claim 30 patentable over *Nakata*.

The size reducing subunit is supported by the description (pp. 29, line 20-30, line 5: "In prior to encoding by the encoder 124, the size reducing unit 125 reduces a size of . . . to one-fourth the original data size. A size of audio data in AV data can be reduced by lowering a sampling frequency") in the specification, and corresponds to the size reducing unit 125 of FIG. 10. Note, the data output from the size reducing unit 125 is transmitted to the network 5 via the encoder 124, and then transmitted to either one of the clients 2 to 4.

As a result, the client can check the video frame on which the editing operation has been performed. In addition, since the size of the video frame has been reduced, the transfer time is shortened when the video frame is transmitted to the client from the editing server.

In the editing of video streams that the present invention targets, in particular, a reduction in the size of the video frame hardly causes problems to the user for checking video effect additions and the like. On the other hand, a reduction in the size leads to a reduction in the processing load of the client's device, which therefore, makes the user's editing operation more effective.

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The claimed invention recites a structure that allows the client to display the editing results after they have been performed by the server. In addition, the compressed video frame generated by the size reducing unit 125 decreases the time required to transmit the AV stream from the editing server to the client. Neither of these features is realizable with a *Nakata* type device.

Claim 31 recites a method for editing an AV stream. The method includes a size reducing sub step that is not disclosed or suggested in *Nakata* making the claim patentable over *Nakata*.

Claim 32 is a claim for a software process embodied on a tangible medium. The process includes a reducing step that is undisclosed in *Nakata* making the claim patentable over *Nakata*.

The Office Action states, in the section [Claim 3] of the Final Office Action, that "*Nakata et al* discloses an editing server wherein as a result of the combining, the editing frame, and reduces a means [sic] generates a combined video resolution of the combined video frame (Paragraphs 0248-0255 describes the combining of editing frames which generates a combined video resolution of the edited frames)." However, the terms "resolution" and "reduces" do not appear in Paragraphs 0248-0255, and moreover, there is no description suggesting these features.

In other words, *Nakata et al* include no description disclosing or even suggesting a size reducing subunit, which is a constituent element of the present invention. Accordingly, unlike the invention of the present application, the invention of *Nakata et al* is not able to bring about an effect of shortening the transmission time when a video frame is transmitted from the editing server. The invention of the present application produces an advantageous effect that cannot be expected in *Nakata et al*. Thus, the present invention is non-obvious and patentable.

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Applicant believes all the claims are in a condition for allowance, and early notification of the same is requested.

Finally, Applicant wishes to bring to the attention of the Examiner that the names of the inventors are inverted, e.g., last name first in the US Patent Office records even though the inventors properly signed the declaration in the proper order.

If the Examiner believes that a telephone conference would help further the prosecution of this matter, the undersigned attorney can be reached at the listed telephone number.

I hereby certify that this correspondence is being
transmitted via facsimile to the USPTO at
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Very truly yours,
SNELL & WILMER L.L.P.

By: Sharon Farnus
Sharon Farnus
Signature

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Joseph W. Price
Joseph W. Price
Registration No. 25,124
600 Anton Boulevard, Suite 1400
Costa Mesa, California 92626-7689
Telephone: (714) 427-7420
Facsimile: (714) 427-7799